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THEODORE PARKER,

DELIVERED IN

THE OLD CRADLE OF LIBERTY,

MARCH 25, 1850.

BOSTON:
R. F. WALLCUT, 21 CORNHILL.
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Mr. President and Fellow Citizens:

It is an important occasion which has brought us together. A great crisis has occurred in the affairs of the United States. There is a great question now before the people. In any European country west of Russia and east of Spain, it would produce a revolution, and be settled with gunpowder. It narrowly concerns the material welfare of the nation. The decision that is made will help millions of human beings into life, or will hinder and prevent millions from being born. It will help or hinder the advance of the nation in wealth for a long time to come. It is a question which involves the honor of the people. Your honor and my honor are concerned in this matter, which is presently to be passed upon by the people of the United States. More than all this, it concerns the morality of the people. We are presently to do a right deed, or to inflict a great wrong on others and on ourselves, and thereby entail an evil upon this continent which will blight and curse it for many an age.

It is a great question, comprising many smaller ones:—Shall we extend and foster Slavery, or shall we extend and foster Freedom? Slavery, with its consequences, material, political, intellectual, moral; or Freedom, with the consequences thereof.

A question so important to be decided seldom comes before any generation of men. This age is full of great questions, but this of Freedom is the chief—it is the same question which in other forms comes up in Europe. This is presently to be decided here in the United States by the servants of the people—

I mean, by the Congress of the nation; in the name of the people; *for* the people, if justly decided; *against* them, if unjustly. If it were to be left to-morrow to the naked votes of the majority, I should have no fear. But the public servants of the people may decide otherwise. The political parties, as such, are not to pass judgment. It is not a question between Whigs and Democrats; old party distinctions, once so sacred and rigidly observed, here vanish out of sight. The party of Slavery or the party of Freedom is to swallow up all the other parties. Questions about tariffs and banks can hardly get a hearing. On the approach of a battle, men do not talk of the weather.

Four great men in the Senate of the United States have given us their decision; the four most eminent in the party politics of the nation — two great Whigs, two great Democrats. The *Shibboleth* of their party is forgotten by each; there is a strange unanimity in their decision. The Herod of free trade and the Pilate of protection are 'made friends,' when Freedom is to be crucified. All four decide adverse to Freedom; in favor of Slavery; against the people. Their decisions are such as you might look for in the politicians of Austria and Russia. Many smaller ones have spokon on this side or on that. Last of all, but greatest, the most illustrious of the four — so far as great gifts of the understanding are concerned — a son of New England, long known, and often and deservedly honored, has given his decision. We waited long for his words; we held our peace in his silence; we listened for his counsel. Here it is; adverse to Freedom beyond the fears of his friends, and the hopes even of his foes. He has done wrong things before, cowardly things more than once; but this, the wrongest and most cowardly of them all, we did not look for it. No great man in America has had his faults or his failings so leniently dealt with; private scandal we will not credit, public shame we have tried to excuse, or, if inexcusable, to forget. We have all of us been proud to go forward and honor his noble deeds, his noble efforts, even his noble words. I wish we could take a mantle big and black enough, and go backward and cover up the shame of the great

man who has fallen in the midst of us, and hide him till his honor and his conscience shall return. But no, it cannot be; his deed is done in the face of the world, and nothing can hide it.

We have come together to-night in Faneuil Hall, to talk the matter over, in our New England way; to look each other in the face; to say a few words of warning, a few of counsel, perhaps something which may serve for guidance. We are not met here to-night to 'calculate the value of the Union,' but to calculate the worth of Freedom and the rights of man; to calculate the value of the WILMOT PROVISO. Let us be cool and careful, not violent, not rash; true and firm, not hasty or timid.

Important matters have brought our fathers here many times before now. Before the Revolution, they came here to talk about the 'Molasses Act,' or the 'Sugar Act,' or the 'Stamp Act,' the 'Boston Port Bill,' and the long list of grievances which stirred up their manly stomachs to the Revolution; afterwards, they met to consult about the 'Embargo,' and the seizure of the 'Chesapeake,' and many other matters. Not long ago, only five years since, we came here to protest against the annexation of Texas. But before the Revolution or after it, meetings have seldom been called in Faneuil Hall on such solemn occasions as this. Not only is there a great public wrong contemplated, as in the annexation of Texas, but the character and conduct of a great public servant of the people come up to be looked after. This present conduct of Mr. Webster is a thing to be solemnly considered. A similar thing once happened before. In 1807, a Senator from Massachusetts was disposed to accept a measure the President had advised, because he had 'recommended' it 'on his high responsibility.' 'I would *not consider*,' said the Senator, 'I would *not deliberate*, I would *act*.' He did so; and with little deliberation, with small counsel, as men thought at the time, he voted for the Embargo, and the Embargo came. This was a measure which doomed 800,000 tons of shipping to rot at the wharf. It touched the pockets of New England and all the North. It affected the daily meals of millions of men. There was indignation, deep and loud indignation; but it was political

in its nature and personal in its form; the obnoxious measure was purely political, not obviously immoral and unjust. But, long as John Quincy Adams lived, much as he did in his latter years for mankind, he never wholly wiped off the stain which his conduct in 1807 brought upon him. Yet it may be that he was honest in his vote; it may have been an error of judgment, and nothing more; nay, there are men who think it was no error at all, but a piece of political wisdom.

A Senator of Massachusetts has now committed a fault far greater than was ever charged upon Mr. Adams by his most inveterate political foes. It does not directly affect the shipping of New England and the North: I wish it did. It does not immediately concern our daily bread; if it were so, the contemplated wrong would receive a speedy adjustment. But it concerns the liberty of millions of men yet unborn.

Let us look at the matter carefully.

Here is a profile of our national action on the subject now before the people.

In 1774, we agreed to import no more slaves after that year, and never finally repealed this act of agreement.

In 1776, we declared that 'all men are created equal, and endowed by their Creator with certain unalienable rights, among which are life, liberty, and the pursuit of happiness.'

In 1778, we formed the 'Confederacy,' with no provision for the surrender of fugitive slaves.

In 1787, we shut out Slavery from the Northwest Territory for ever, by the celebrated proviso of Mr. Jefferson.

In 1788, the Constitution was formed, with its 'compromises' and guarantees.

In 1808, the importation of slaves was forbidden. But,

In 1809, we annexed Louisiana, and Slavery along with it.

In 1819, we annexed Florida, with more Slavery.

In 1820, we legally established Slavery in the territory west of the Mississippi, south of 36 deg. 30 min.

In 1845, we annexed Texas, with 325,520 square miles, as a slave State.

In 1848, we acquired, by conquest and by treaty, the vast territory of California and New Mexico, containing 526,078 square miles. Of this, 204,383 square miles are south of the slave line — south of 36 deg. 30 min. Here is territory enough to make more than thirty slave States of the size of Massachusetts.

At the present day, it is proposed to have some further action on the matter of slavery. Connected with this subject, four great questions come up to be decided: —

1. *Shall four new slave States at any time be made out of Texas?* This is not a question which is to be decided at present, yet it is one of great present importance, and furnishes an excellent test of the moral character and political conduct of politicians at this moment. The other questions are of immediate and pressing concern. Here they are: —

2. *Shall Slavery be prohibited in California?*

3. *Shall Slavery be prohibited in New Mexico?*

4. *What laws shall be passed relative to fugitive slaves?*

Mr. Webster, in this speech, 'defines his position' in regard to each of these four questions.

1. In regard to the new States to be made hereafter out of Texas, he gives us his opinion, in language well studied, and even with an excess of caution. Let us look at it, and the Resolution which annexed Texas. That declares that '*new States* . . not exceeding four in number, in addition to said State of Texas . . *may hereafter*, by the consent of said State, *be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution. And such States . . . shall be admitted with or without slavery, as the people of each State asking admission may desire.*'

I will not stop to consider the constitutionality of the joint Resolution which annexed Texas. Mr. Webster's opinion on that subject is well known. But the Resolution does two things: 1. It *confers a power*, viz., the power to make four new States, on certain conditions; a qualified power, restricted by the terms of the act. 2d. *It imposes an obligation*, viz., the obligation to leave it to the people of the new State to keep slaves or not,

when the State is admitted. The words *may be*, &c., indicate the *conferring of a power:* the words *shall be*, &c., the *imposing of an obligation.* But as the power is a *qualified power*, so is the obligation a *qualified obligation;* the *shall be* is dependent on the *may be*, as much as the *may be* on the *shall.* Admitting in argument what Mr. Webster has denied, that Congress had the constitutional right to annex Texas by joint Resolution, and also that the Resolution of one Congress binds the future Congress, it is plain Congress *may admit* new States from Texas, on those conditions, or *refuse to admit them.* This is plain, by any fair construction of the language. The Resolution does not say, they *shall* be formed, only '*may* be formed,' and 'shall be entitled to admission, *under the provisions of the Federal Constitution*'—not *in spite* of those provisions. The provisions of the Constitution, in relation to the formation and admission of new States are well known, and sufficiently clear. Congress is no more *bound* to admit a new slave State formed out of Texas, than out of Kentucky. But Mr. Webster *seems* to say that Congress is *bound to make four new States out of Texas*, when there is sufficient population to warrant the measure, and a desire for it in the States themselves, and to admit them with a Constitution allowing slavery. He says, 'Its guaranty is, that new States *shall be made* out of it, . . . and that such States . . . *may come in* as slave States,' &c. (Speech, p. 18.) Quite the contrary. It is only said they '*may be* formed,' and admitted 'under the provisions of the Constitution.' The *shall be* does not relate to the *fact of admission.*

Then he says, there is 'a solemn pledge,' 'that if she shall be divided into States, those States *may come* in as slave States.' But there is no 'solemn pledge' that they *shall come* in at all. I may make a 'solemn pledge' to John Doe, that if ever I give him any land, it shall be a thousand acres in the meadows on Connecticut River; but it does not follow from this that I am bound to give John Doe any land at all. This solemn pledge is worth nothing, if Congress says to new States, YOU SHALL NOT COME IN WITH YOUR SLAVE CONSTITUTION. To make this 'stipu-

lation with Texas' binding, it ought to have provided that 'new States . . . SHALL *be formed* out of the territory thereof . . *such States shall be entitled to admission*,' IN SPITE OF 'THE PROVISIONS OF THE CONSTITUTION.' Even then it would be of no value; for as there can be no *moral obligation to do an immoral deed*, so there can be *no constitutional obligation to do an unconstitutional deed*. So much for the first question. You see that Mr. Webster proposes to do what we never stipulated to do, what is not 'so nominated in the bond.' He wrests the Resolution against Freedom, and for the furtherance of the Slave Power!

2 and 3. Mr. Webster has given his answer to the second and third questions, which may be considered as a single question — *Shall Slavery be legally forbidden by Congress in California and New Mexico?* Mr. Webster is opposed to the prohibition by Congress. Here are his words: — 'Now, as to California and New Mexico, I hold Slavery to be excluded from those territories by a law even superior to that which admits and sanctions it in Texas. I mean the law of Nature, of physical geography, the law of the formation of the earth.' . . . . 'I will say further, that if a resolution or a law were now before us to provide a territorial government for New Mexico, *I would not vote to put any prohibition into it whatever*. The use of such a prohibition would be idle, as it respects any effect it would have upon the Territory: and I would not take pains to re-affirm an ordinance of Nature, nor to re-enact the will of God.' 'The gentlemen who belong to the Southern States *would think it a taunt, an indignity;* they would think it an act taking away from them what they regard as a proper equality of privilege' . . . 'a plain theoretic wrong,' 'more or less derogatory to their character and their rights.'

African Slavery, he tells us, cannot exist there. It could once exist in Massachusetts and New Hampshire. Very little of this territory lies north of Mason and Dixon's line, (the northern limit of Maryland;) none above the parallel of 42 deg.; none of it extends fifty miles above the northern limit of Virginia; 204,353 square miles of it lie south of the line of the Missouri

Compromise, south of 36° 30′.' Almost all of it is in the latitude of Virginia and the Carolinas. If Slavery can exist on the west coast of the Atlantic, I see not why it cannot on the east of the Pacific, and all the way between. There is no reason why it cannot. It will, unless we forbid it by positive laws, laws which no man can misunderstand. Why, in 1787, it was thought necessary to forbid Slavery in the Northwest Territory, which extends from the Ohio River to the 49th parallel of north latitude.

Not exclude Slavery from Calfornia and New Mexico, because *it can never exist there!* Why, it was there once, and Mexico abolished it by positive law. Abolished, did I say! We are not so sure of that; I mean, not sure that the Senate of the United States is sure of it. Not a month before Mr. Webster made this very speech, on the 13th and 14th of last February, Mr. Davis, the Senator from Mississippi, maintained that Slavery is *not* abolished in California and New Mexico. He denies that the acts abolishing Slavery in Mexico were made by competent powers, denies that they have the force of law. But even if they have, he tells us, 'Suppose it be conceded that by law it was abolished — could that law be perpetual?—could it extend to the territory after it became the property of the United States? Did we admit territory from Mexico, subject to the Constitution and laws of Mexico? Did we pay $15,000,000 for jurisdiction over California and New Mexico, that it might be held subordinate to the laws of Mexico?' The Commissioners of Mexico, he tells us, did not think that 'we were to be bound by the edicts and statutes of Mexico.' They pressed this point in the negotiation, 'the continuation of their law for the exclusion of slavery;' and Mr. Trist told them he would not make a treaty on that condition; if they would 'offer him the land covered a foot thick with pure gold, upon the single condition that Slavery should be excluded therefrom, I could not entertain the offer for a moment.' Does not Mr. Webster know this? He knows it too well.

But Mr. Davis goes further. He does not think Slavery is excluded by legislation stronger than a joint resolution. This is his language:—'*I believe it is essential*, on account of the climate,

productions, soil, and the peculiar character of cultivation, that we shall, during its first settlement, *have that slavery* [*African Slavery*,] in a part, at least, of California and New Mexico.' Now, on questions of 'a law of Nature and physical geography,' the Senator from Mississippi is as good authority as the Senator from Massachusetts, and a good deal nearer to the facts of the case.

In the House of Representatives, Mr. Clingman, of North Carolina, among others, wants New Mexico for slave soil. Pass the Wilmot Proviso over this territory, and the question is settled, disposed of for ever. Omit to pass it, and Slavery will go there, and you may get it out if you can. Once there, it will be said that the 'compromises of the Constitution' are on its side, and we have no jurisdiction over the slavery which we have established there.

Hear what Mr. Foote said of a similar matter on the 26th of June, 1848, in his place in the Senate: — 'Gentlemen have said this is not a practical question, that slaves will never be taken to Oregon. With all deference to their opinion, I differ with them totally. *I believe, if permitted, slaves would be carried there, and that Slavery would continue, at least, as long as in Maryland or Virginia.* ['The whole of Oregon' is north of 42 deg.] The Pacific coast is totally different in temperature from the Atlantic. It is far milder. . . . Green peas are eaten in the Oregon city at Christmas. Where is the corresponding climate to be found on this side the continent? Where we sit—near the 39th? No, sir; but to the South of us. *The latitude of Georgia gives, on the Pacific, a tropical climate.*' '*The prohibition of Slavery in the laws of Oregon was adopted for the express purpose of excluding slaves.* A few had been brought in; further importations were expected; and it was with a view to put a stop to them, that the prohibitory act was passed.'

Now, Mr. Foote, of Mississippi — 'Hangman Foote,' as he has been called — understands the laws of the formation of the earth as well as the distinguished Senator from Massachusetts. Why, the inhabitants of that part of the Northwest Territory which now forms the States of Indiana and Illinois, repeatedly

asked Congress to allow them to introduce slaves north of the Ohio; and but for the Ordinance of '87, that territory would now be covered with the mildew of slavery!

But I have not yet adduced all the testimony of Mr. Foote. Last year, on the 23d of February, 1849, he declared: — 'No one acquainted with the vast mineral resources of California and New Mexico, and who is aware of the *peculiar adaptedness of slave labor to the development of mineral treasures*, can doubt for a moment, that *were slaves introduced into California and New Mexico*, being employed in the mining operations there in progress, *their labor would result in the acquisition of pecuniary profits not heretofore realized by the most successful cotton or sugar planter of this country?*' Does not Mr. Webster know this? Perhaps he did not hear Mr. Foote's speech last year; perhaps he has a short memory, and has forgotten it. Then let us remind the nation of what its Senator forgets. Not know this — forget it? who will credit such a statement? Mr. Webster is not an obscure clergyman, busy with far different things, but the foremost politician of the United States.

But why do I mention the speeches of Mr. Foote, a year ago? Here is something hardly dry from the printing-press. Here is an advertisement from the 'Mississippian' of March 7th, 1850,— the very day of this speech. The 'Mississippian' is published at the city of Jackson, in Mississippi: —

CALIFORNIA.

THE SOUTHERN SLAVE COLONY.

Citizens of the Slave States desirous of emigrating to California with their slave property, are requested to send their names, number of slaves, and period of contemplated departure, to the address of 'SOUTHERN SLAVE COLONY,' Jackson, Miss. . . .

It is the desire of the friends of this enterprise to settle in the richest mining and agricultural portions of California, and to have the uninterrupted enjoyment of slave property. It is estimated that, by the first of May next, the members of this Slave Colony will amount to about five thousand, and the slaves to about ten thousand. The mode of effecting organization, &c., will be privately transmitted to actual members.

JACKSON, (Miss.,) Feb. 24, 1850. dtf.

What does Mr. Webster say in view of all this? 'If a proposition were now here for a government for New Mexico, and it

was moved to insert a provision for the prohibition of slavery, *I would not vote for it.*' Why not vote for it? There is a specious pretence, which is publicly proclaimed, but there is a *real reason* for it which is not mentioned!

In the face of all these facts, Mr. Webster says that these men would wish 'to protect the everlasting snows of Canada from the pest of slavery by the same overspreading wing of an act of Congress.' Exactly so. If we ever annex Labrador — if we '*re-annex*' Greenland, and Kamskatka, I would extend the Wilmot Proviso there, and exclude slavery for ever and for ever.

But Mr. Webster would not 're-affirm an ordinance of Nature,' nor 're-enact the will of God.' I would. I would re-affirm nothing else — enact nothing else. What is Justice but the ordinance of Nature? What is Right but the will of God? When you make a law, 'Thou shalt not kill,' what do you but 're-enact the will of God?' When you make laws for the security of the 'unalienable rights' of man, and protect for every man the right to life, liberty, and the pursuit of happiness, are you not re-affirming an ordinance of Nature? Not re-enact the will of God? Why, I would enact nothing else. The will of God is a theological term; it means Truth and Justice, in common speech. What is the theological opposite to the 'will of God?' It is '*the will of the Devil.*' One of the two you must enact — either the will of God, or of the Devil. The two are the only theological categories for such matters. *Aut Deus aut Diabolus.* There is no other alternative — 'Choose you which you will serve.'

So much for the second and third questions. Let us now come to the last thing to be considered. *What laws shall be enacted relative to fugitive slaves?* Let us look at Mr. Webster's opinion on this point.

The Constitution provides — you all know that too well — that every person 'held to service or labor in one State, . . . escaping into another, shall be delivered up.' By whom shall *he be deliv-*

ered up? There are only three parties to whom this phrase can possibly apply. They are,

1. *Individual men and women;* or,
2. The *local authorities of the States concerned;* or,
3. The *Federal Government itself.*

It has sometimes been contended that the Constitution imposes an obligation on you, and me, and every other man, to deliver up fugitive slaves. But there are no laws or decisions that favor that construction. Mr. W. takes the next scheme, and says, 'I always thought that the Constitution addressed itself *to the Legislatures of the States, or to the States themselves.*' 'It seems to me that the import of the passage is, that the State itself . . . shall cause him [the fugitive] to be delivered up. That is my judgment.' But the Supreme Court, some years ago, decided otherwise — that 'the business of seeing that these fugitives are delivered up resides in the power of Congress and the national judicature.' So the matter stands now. But it is proposed to make more stringent laws relative to the return of fugitive slaves. So continues Mr. Webster — 'My friend at the head of the Judiciary Committee has a bill on the subject now before the Senate, with some amendments to it, which I propose to support, with all its provisions, to the fullest extent.'

Every body knows the act of Congress of 1793, relative to the surrender of fugitive slaves, and the decision of the Supreme Court in the 'Prigg case,' 1842. But every body does not know the bill of Mr. Webster's 'friend at the head of the Judiciary Committee.' There is a bill providing 'for the more effectual execution of the third clause of the second section of the fourth article of the Constitution of the United States.' It is as follows: —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when a person held to service or labor in any State or Territory of the United States, under the laws of such State or Territory, shall escape into any other of the said States or Territories, the person to whom such service or labor may be due, his or her agent, or attorney, is hereby empowered to seize or arrest such fugitive from service or labor, and to take him or her *before*

any Judge of the Circuit or District Courts of the United States, or before any commissioner or clerk of such courts, or marshal thereof, or before any postmaster of the United States, or collector of the customs of the United States, residing or being within such State wherein such seizure or arrest shall be made, and upon proof to the satisfaction of such judge, commissioner, clerk, postmaster, or collector, as the case may be, either by oral testimony or affidavit taken before and certified by any person authorized to administer an oath under the laws of the United States, or of any State, that the person so seized or arrested under the laws of the State or Territory from which he or she fled, owes service or labor to the person claiming him or her, it shall be the duty of such *judge, commissioner, clerk, marshal, postmaster, or collector, to give a certificate thereof* to such claimant, his or her agent or attorney, *which certificate shall be a sufficient warrant for taking and removing such fugitive from service or labor to the State or Territory from which he or she fled.*

Sec. 2. *And be it further enacted,* That when a person held to service or labor, as mentioned in the first section of this act, shall escape from such service or labor, therein mentioned, the person to whom such service or labor may be due, his or her agent, or attorney, may apply to any one of the officers of the United States named in said section, other than a marshal of the United States, for a warrant to seize and arrest such fugitive, and upon affidavit being made before such officer, (each of whom, for the purposes of this act, is hereby authorized to administer an oath or affirmation,) by such claimant, his or her agent, that such person does, under the laws of the State or Territory from which he or she fled, owe service or labor to such claimant, it shall be and is hereby made the duty of such officer, to and before whom such application and affidavit is made, to issue his warrant to any marshal of any of the Courts of the United States, to seize and arrest such alleged fugitive, and to bring him or her forthwith, or on a day to be named in such warrant, before the officer issuing such warrant, or either of the other officers mentioned in said first section, except the marshal to whom the said warrant is directed, which said warrant or authority the said marshal is hereby authorized and directed in all things to obey.

Sec. 3. *And be it further enacted,* That upon affidavit made as aforesaid by the claimant of such fugitive, his agent or attorney, after such certificate has been issued, that he has reason to apprehend that such fugitive will be rescued by force from his or their possession, before he can be taken beyond the limits of the State in which the arrest is made, it shall be the duty of the officer making the arrest to retain such fugitive in his custody, and to remove him to the State whence he fled, and there to deliver him to said claimant, his agent or attorney. And to this end, the officer aforesaid is hereby authorized and required to employ so many persons as he may deem necessary to overcome such force, and to retain them in his service so long as circumstances may require. The said officer and his assistants, while so employed, to receive the same compensation, and to be allowed the same expenses as are now allowed by law for transportation of criminals, to be certified by the judge of the district within which the arrest is made, and paid out of the treasury of the United States: *Provided,* That before such charges are incurred, the claimant, his agent, or attorney, shall secure to said officer payment of the same, and in case no actual force be opposed, then they shall be paid by such claimant, his agent, or attorney.

Sec. 4. *And be it further enacted,* When a warrant shall have been issued by any of the officers under the second section of this act, and there shall be no marshal or deputy marshal within ten miles of the place

where such warrant is issued, it shall be the duty of the officer issuing the same, at the request of the claimant, his agent, or attorney, to appoint some fit and discreet person, who shall be willing to act as marshal, for the purpose of executing said warrant; and such persons so appointed shall, to the extent of executing such warrant, and detaining and transporting the fugitive named therein, have all the power and the authority, and he with his assistants, entitled to the same compensation and expenses provided in this act, in cases where the services are performed by the marshals of the courts.

Sec. 5. *And be it further enacted, That any person who shall knowingly and willingly obstruct or hinder such claimant,* his agent or attorney, or any person or persons assisting him, her or them, in so serving or arresting such fugitive from service or labor, *or shall reseue such fugitive from such claimant, his agent or attorney,* when so arrested, pursuant to the authority herein given or declared, *or shall aid, abet, or assist such person so owing service or labor to escape from such claimant,* his agent or attorney, or *shall harbor or conceal such person,* after notice that he or she was a fugitive from labor, as aforesaid, *shall, for either of the said offenees, forfeit and pay the sum of one thousand dollars,* which penalty may be recovered by, and for the benefit of, such claimant, by action of debt in any court proper to try the same, saving, moreover, to the person claiming such labor or service, his right of action for, on account of, the said injuries, or either of them.

Sec. 6. *And be it further enacted,* That when such person is seized and arrested, under and by virtue of the said warrant, by such marshal, and is brought before either of the officers aforesaid, other than said marshal, it shall be the duty of such officer to proceed in the case of such person, in the same way that he is directed and authorized to do when such person is seized and arrested by the person claiming him, or by his or her agent or attorney, and is brought before such officer or attorney under the provisions of the first section of this act.

This is the Bill known as 'Mason's Bill,' introduced by Mr. Butler, of South Carolina, on the 16th of January last. This is the Bill which Mr. Webster proposes to support, '*with all its provisions, to the fullest extent.*' It is a 'bill of abominations,' but there are 'some amendments to it,' which modify the bill a little. Look at them. Here they are. The first provides, in addition to the fine of $1000 for *aiding and abetting* the escape of a fugitive, for *harboring* and *concealing* him, that the offender '*shall also be imprisoned twelve months.*' The second amendment is as follows: '*And in no trial or hearing under this act shall the testimony of such slave be received.*'

These are Mr. Mason's amendments, offered on the 23d of last January. This is the Bill, 'with some amendments,' which Mr. Webster says, 'I propose to support, with all its provisions, to the fullest extent.' Mr. Seward's bill was also before the

Senate — a bill granting the fugitive slave a trial by jury in the State where he is found, to determine whether or not he is a slave. Mr. W. says not a word about this bill. He does not propose to support it.

Suppose the bill of Mr. Webster's friend shall pass Congress, what will the action of it be? A slave-hunter comes here to Boston — he seizes any dark-looking man that is unknown and friendless — he has him before the postmaster, the collector of customs, or some clerk, or marshal of some U. S. court, and makes oath that the dark man is his slave. The slave-hunter is allowed his oath. The fugitive is not allowed his testimony. The man born free as you and I, on the false oath of a slave-hunter, or the purchased affidavit of some one, is surrendered to a Southern State, to bondage life-long and irremediable. Will you say — the postmaster, the collector, the clerks and marshals in Boston would not act in such matters? They have no option; it is *their official duty to do so.* But they would not decide against the unalienable rights of man — the right to life, liberty, and the pursuit of happiness! That may be, or may not be. The slave-hunter may have his 'fugitive' before the collector of Boston, or the postmaster of Truro, if he sees fit. If they, remembering their Old Testament, refuse to 'bewray him that wandereth,' the slave-hunter may bring on his officer with him from Georgia or Florida; he may bring the custom-house officer from Mobile or Wilmington, some little petty post-master from a town you never heard of, in South Carolina or Texas, and have any dark man in Boston up before that 'magistrate,' and on his decision have the fugitive carried off to Louisiana or Arkansas, to bondage for ever. The Bill provides that the trial may be had before any such officer, 'residing or being' in the State where the fugitive is found!

There were three fugitives at my house the other night. Ellen Crafts was one of them. You all know Ellen Crafts is a slave; she, with her husband, fled from Georgia to Philadelphia, and is here before us now. She is not so dark as Mr. Webster himself, if any of you think freedom is to be dealt out in proportion to

the whiteness of the skin. If Mason's bill passes, I might have some miserable postmaster from Texas or the District of Columbia — some purchased agent of Messrs. Bruin & Hill, the great slave-dealers of the Capital — have him here in Boston, take Ellen Crafts before the caitiff, and on his decision hurry her off to bondage as cheerless, as hopeless, as irremediable as the grave!

Let me interest you in a scene which might happen. Suppose a poor fugitive, wrongfully held as a slave — let it be Ellen Crafts — has escaped from Savannah in some Northern ship. No one knows of her presence on board; she has lain with the cargo in the hold of the vessel. Harder things have happened. Men have journeyed hundreds of miles bent double in a box half the size of a coffin, journeying towards freedom. Suppose the ship comes up to Long Wharf, at the foot of State street. Bulk is broken to remove the cargo; the woman escapes, emaciated with hunger, feeble from long confinement in a ship's hold, sick with the tossing of the heedless sea, and still further etiolated and blanched with the mingling emotions of hope and fear. She escapes to land. But her pursuer, more remorseless than the sea, has been here before hand; laid his case before the official he has brought with him, or purchased here, and claims his slave. She runs for her life, fear adding wings. Imagine the scene — the flight, the hot pursuit through State Street, Merchants' Row — *your* magistrates in hot pursuit. To make the irony of nature still more complete, let us suppose this shall take place on some of the memorable days in the history of America — on the 19th of April, when our fathers first laid down their lives 'in the sacred cause of God and their country'; on the 17th of June, the 22d of December, or on any of the sacramental days in the long sad history of our struggle for our own freedom! Suppose the weary fugitive takes refuge in Faneuil Hall, and here, in the old Cradle of Liberty, in the midst of its associations, under the eye of Samuel Adams, the bloodhounds seize their prey! Imagine Mr. Webster and Mr. Winthrop looking on, cheering the slave-hunter, intercepting the fugitive fleeing for her life. Would not that be a pretty spectacle?

Propose to support that bill to the fullest extent, with all its provisions! Ridiculous talk! Does Mr. Webster suppose that such a law could be executed in Boston? that the people of Massachusetts will ever return a single fugitive slave, under such an act as that? Then he knows his constituents very little, and proves that he needs 'instruction.'

'Slavery is a moral and religious blessing,' says somebody in the present Congress. But it seems some 30,000 slaves have been blind to the benefits — moral and religious benefits — which it confers, and have fled to the free States. Mr. Clingman estimates the value of all the fugitive slaves in the North at $15,000,000. Delaware loses $100,000 in a year in this way; her riches taking to themselves not wings, but LEGS. Maryland lost $100,000 in six months. I fear Mr. Mason's bill and Mr. Webster's speech will not do much to protect that sort of 'property' from this kind of loss. Such action is prevented 'by a law even superior to that which admits and sanctions it in Texas.'

Such are Mr. Webster's opinions on these four great questions. Now, there are two ways of accounting for this speech, or at least, two ways of looking at it. One is, to regard it as the *work of a statesman seeking to avert some great evil from the whole nation.* This is the way Mr. W. would have us look at it, I suppose. His friends tell us it is a statesmanlike speech — very statesmanlike. He himself says, *Vera pro gratis* — true words in preference to words merely pleasing. *Etsi meum ingenium non moneret necessitas cogit* — Albeit my own humor should not prompt the counsel, necessity compels it. The necessity so cogent is the attempt to dissolve the Union in case the Wilmot Proviso should be extended over the new territory. Does any man seriously believe that Mr. Webster really fears a dissolution of this Union, undertaken and accomplished on this plea, and by the Southern States? I will not insult the foremost understanding of this continent by supposing he deems it possible. No, we cannot take this view of his conduct.

The other way is to regard it *as the work of a politician, seeking something beside the permanent good of a great nation.* The lease of the Presidency is to be disposed of for the next four years by a sort of auction. It is in the hands of certain political brokers, who 'operate' in presidental and other political stock. The majority of those brokers are slaveholders or pro-slavery men; they must be conciliated, or they will 'not understand the nod' of the candidate — I mean of the man who bids for the lease. All the illustrious men in the national politics have an eye on the transaction, but sometimes the bid has been taken for persons whose chance at the sale seemed very poor. Gen. Cass made his bid some time ago. I think his offer is recorded in the famous 'Nicholson Letter.' He was a Northern man, and bid *non-intervention — the unconstitutionality of any intervention with slavery in the new territory.* Mr. Clay made his bid, (for old Kentucky 'never tires,') the same old bid that he has often made — a *compromise.* Mr. Calhoun did as he has always done. I will not say he made any bid at all; he was too sick for that, too sick for any thought of the Presidency. Perhaps at this moment the angel of death is dealing with that famed and remarkable man. Nay, he may already have gone where the 'servant is free from his master, and the weary are at rest;' have gone home to his God, who is the Father of the great politician and the feeblest-minded slave. If it be so, let us follow him only with pity for his errors, and the prayer that his soul may be at rest. He has fought manfully in an unmanly cause. He seemed sincerely in the wrong, and spite of the badness of the cause to which he devoted his best energies, you cannot but respect the man.

Last of all, Mr. Webster makes his bid for the lease of 'that bad eminence,' the Presidency. He bids higher than the others, of course, as coming later; bids *non-intervention, four new slave States in Texas, Mason's bill for capturing fugitive slaves, and denunciation of all the anti-slavery movements of the North, public and private.* That is what he bids, looking to the Southern

side of the board of political brokers. Then he nods northward, and says, *the Wilmot Proviso is my 'thunder;'* then timidly glances to the South and adds, *but I will never use it.*

I think this is the only reasonable way in which we can estimate this speech — as a bid for the Presidency. I will not insult that mighty intellect by supposing that he, in his private heart, regards it in any other light. Mr. Calhoun might well be content with that, and say, 'Organize the territories on the principle of that gentleman, and give us a free scope and sufficient time to get in — we ask nothing but that, and we never will ask it.'

Such are the four great questions before us; such Mr. Webter's answers thereunto; such the two ways of looking at his speech. He decides in advance against freedom in Texas, against freedom in California, against freedom in New Mexico, against freedom in the United States, by his gratuitous offer of support to Mr. Mason's bill. His great eloquence, his great understanding, his great name, give weight to all his words. Pains are industriously taken to make it appear that his opinions are the opinions of Boston. Is it so? [Cries of No, No.] That was rather a feeble cry. Perhaps it is the opinion of the *prevailing party in Boston* [No, No]; but I put it to you, is it the opinion of Massachusetts? [Loud cries of No, No, No.] Well, so I say, No; it is *not* the opinion of Massachusetts.

Before now, servants of the people and leaders of the people have proved false to their employers, and betrayed their trust. Amongst all political men who have been weighed in the balance, and found wanting, with whom shall I compare him? Not with John Quincy Adams, who, in 1807, voted for the embargo. It may have been the mistake of an honest intention, though I confess I cannot think so yet. At any rate, laying an embargo, which he probably thought would last but a few months, was a small thing compared with the refusal to restrict slavery, willingness to enact laws to the disadvantage of mankind, and the voluntary support of Mason's iniquitous bill. Besides, Mr. Adams

lived a long life ; if he erred, or if he *sinned* in this matter, he afterwards fought most valiantly for the rights of man.

Shall I compare Mr. Webster with Thomas Wentworth, the great Earl of Strafford, a man 'whose doubtful character and memorable end have made him the most conspicuous character of a reign so fertile in recollections'? He, like Webster, was a man of large powers, and once devoted them to noble uses. Did Wentworth defend the 'Petition of Right'? So did Webster many times defend the great cause of liberty. But it was written of Strafford, that 'in his self-interested and ambitious mind,' patriotism 'was the seed sown among thorns'! 'If we reflect upon this man's cold-blooded apostacy on the first lure to his ambition, and on his splendid abilities, which enhanced the guilt of that desertion, we must feel some indignation at those who have palliated all his iniquities, and embalmed his memory with the attributes of patriot heroism. Great he surely was, since that epithet can never be denied without paradox to so much comprehension of mind, such ardor and energy, such courage and eloquence, those commanding qualities of soul, which, impressed upon his dark and stern countenance, struck his contemporaries with mingled awe and hate. . . . But it may be reckoned a sufficient ground for distrusting any one's attachment to the English Constitution, that he reveres the name of Strafford.' His measures for stifling liberty in England, which he and his contemporaries significantly called THOROUGH, in the reign of Charles the 1st, were not more atrocious, than the measures which Daniel Webster proposes himself, or proposes to support 'to the fullest extent.' But Strafford paid the forfeit — tasting the sharp and bitter edge of the remorseless axe. Let his awful shade pass by. I mourn at the parallel between him, and the mighty son of our own New England. Would God it were not thus!

For a sadder parallel, I shall turn off from the sour features of that great British politician, and find another man in our own fair land. This name carries us back to 'the times that tried men's

souls,' when also there were souls that could not stand the rack. It calls me back to 'the famous year '80' — to the little American army in the highlands of New York — to the time when the torch of American liberty, which now sends its blaze far up to heaven, at the same time lighting the Northern lakes and the Mexique Bay, tinging with welcome radiance the Eastern and the Western sea, was a feeble flame, flickering about a thin and hungry wick, and one hand was raised to quench in darkness, and put out for ever, that feeble and uncertain flame. Gentlemen, I hate to speak thus. I honor the majestic talents of this great man. I hate to couple his name with that other, which few Americans care to pronounce. But I know no deed in American history, done by a son of New England, to which I can compare this, but the act of *Bendict Arnold !*

Shame that I should say this of any man ; but his own motto shall be mine — VERA PRO GRATIS — and I am not responsible for what he has made the TRUTH ; certainly, *meum ingenium non moneret, necessitas cogit !*

I would speak with all possible tenderness of any man, of every man ; of such an one, so honored, and so able, with the respect I feel for superior powers. I would often question my sense of justice, before I dared to pronounce an adverse conclusion. But the Wrong is palpable, the Injustice is open as the day. I must remember, here are 20,000,000, whose material welfare his counsel defeats ; whose honor his counsel stains ; whose political, intellectual, moral growth he is using all his mighty powers to hinder and keep back. '*Vera pro gratis. Necessitas cogit. Vellem, equidem, vobis placere, sed multo malo vos salvos esse, qualicunque erga me animo futuri estis.*'

Let me take a word of warning and of counsel from the same author — yes, from the same imaginary speech of QUINTUS CAPITOLINUS, whence Mr. Webster has drawn his motto : — *Ante portas est bellum : si inde non pellitur, jam intra mœnia erit, et arcem et Capitolium scandet, et in domos vestras vos persequetur.* The war [against the extension of Slavery, not against the *Vol-*

scians, in this case] is before your very doors: if not driven thence, it will be within your walls; [namely, it will be in California and New Mexico;] it will ascend the citadel and the capitol; [to wit, it will be in the House of Representatives and the Senate;] and it will follow you into your very homes, [that is, the curse of Slavery will corrupt the morals of the nation.]

Sedemus desides domi, mulierum ritu inter nos altercantes; præsenti pace lœti, nec cernentes EX OTIO ILLO BREVI MULTIPLEX BELLUM REDITURUM. We [the famous Senators of the U. S.] sit idle at home, wrangling amongst ourselves like women, [to see who shall get the lease of the Presidency,] glad of the present truce, [meaning that which is brought about by a compromise,] not perceiving that for this brief cessation of trouble, a manifold war will follow, [that is, the 'horrid internecine war' which will come here, as it has been elsewhere, if Justice be too long delayed!]

It is a great question before us, concerning the existence of millions of men. To many men in politics, it is merely a *question of party rivalry;* a question of *in* and *out*, and nothing more. To many men in cities, it is a *question of commerce*, like the establishment of a bank, or the building of one railroad more or less. But to serious men, who love man and love their God, this is a question of morals, a question of religion, to be settled with no regard to *party rivalry*, none to floating interests of to-day, but to be settled under the awful eye of conscience, and by the just law of God.

Shall we shut up slavery or extend it? It is for us to answer. Will you deal with the question now, or leave it to your children, when the evil is ten times greater? In 1749, there was not a slave in Georgia; now, 280,000. In 1750, in all the United States, but 200,000; now, 3,000,000. In 1950, let Mr. Webster's counsels be followed, there will be 30,000,000. Thirty millions! Will it then be easier for your children to set limits to this crime against human nature, than now for you? Our fathers made a political, and a commercial, and a moral error —

shall we repeat it? They did a wrong — shall we extend and multiply the wrong? Was it an error in our fathers — not barely a wrong; was it a sin? No, not in them — they knew it not. But what in them to establish was only an error, in us to extend or to foster is a sin!

Perpetuate Slavery, we cannot do it. Nothing will save it. It is girt about by a ring of fire which daily grows narrower, and sends terrible sparkles into the very centre of the shameful thing. 'Joint resolutions' cannot save it; annexations cannot save it — not if we *re*-annex all the West Indies; delinquent representatives cannot save it; uninstructed Senators, refusing instructions, cannot save it — no, not with all their logic, all their eloquence, which smites as an earthquake smites the sea. No, slavery cannot be saved — by no compromise, no non-intervention, no Mason's Bill in the Senate. It cannot be saved in this age of the world until you nullify every ordinance of nature, until you repeal the will of God, and dissolve the union He has made between righteousness and the welfare of a people. Then, when you displace God from the throne of the world, and instead of His eternal justice, re-enact the will of the Devil, then you may keep Slavery — keep it for ever, keep it in peace — not till then.

The question is, not if slavery is to cease, and soon to cease, but shall it end as it ended in Massachusetts, in New Hampshire, in Pennsylvania, in New York; or shall it end as in St. Domingo? Follow the counsel of Mr. Webster — it will end in fire and blood. God forgive us for our cowardice, if we let it come to that — when 3,000,000 or 30,000,000 of degraded human beings, degraded by us, must wade through slaughter to their unalienable rights.

Mr. Webster has spoken noble words — at Plymouth, standing on the altar-stone of New England; at Bunker Hill, the spot so early reddened with the blood of our fathers. But at this hour, when we looked for great counsel, when we forgot the paltry things which he has often done, and said, 'Now he will rouse

his noble soul, and be the man his early speeches once bespoke,' who dared to fear that Olympian head would bow so low, so deeply kiss the ground? Try it morally, try it intellectually, try it by the statesman's test, world-wide justice — nay, try it by the politician's basest test, the personal expediency of to-day — it is a speech 'not fit to be made,' and when made, 'not fit to be confirmed.'

'We see dimly in the distance what is small and what is great,
Slow of faith how weak an arm may turn the iron helm of fate;
But the soul is still oracular; amid the market's din,
List the ominous stern whisper from the Delphic cave within —
"They enslave their children's children, who make compromise with sin."'